

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BERNICE HENRY, on behalf of herself and all
others similarly situated

Plaintiffs,

-against-

ALLIANCE FOR HEALTH, INC.,

Defendant.

FEUERSTEIN, J.

ORDER

05-CV-1264 (SJF)(WDW)

I. Introduction

Defendant Alliance for Health ("Defendant") moves for reconsideration of this Court's Opinion and Order dated September 29, 2006, adopting the Report and Recommendation of United States Magistrate William D. Wall. For the reasons set forth below, Defendant's motion is denied.

II. Analysis

Motions for reconsideration are generally "denied unless the moving party can point to controlling decisions or data that the court overlooked. . . ." Shrader v. CSX Transp., Inc., 70 F.3d 255, 256-57 (2d Cir. 1995) (citations omitted). A motion for reconsideration is not a proper tool to relitigate arguments and issues already considered by the Court in deciding the original motion, see United States v. Gross, No. 98-CR-0159, 2002 WL 32096592, at *4 (E.D.N.Y. Dec. 5, 2002), nor is it proper to raise new arguments and issues in a motion for reconsideration. See Lehmuller v. Incorporated Village of Sag Harbor, 982 F. Supp. 132, 135 (E.D.N.Y. 1997). The standard for a motion for reconsideration is demanding, and should be "narrowly construed and

strictly applied so as to avoid repetitive arguments on issues that have been considered fully by the Court.” Wechsler v. Hunt Health Sys., Ltd., 186 F. Supp. 2d 402, 410 (S.D.N.Y. 2002) (quoting Dellefave v. Access Temps., Inc., No. 99-CV-6098, 2001 WL 286771, at *1 (S.D.N.Y. Mar. 22, 2001)).

Defendant’s claim, that this case should be held in abeyance pending potential Supreme Court review of Coke v. Long Island Care at Home, Ltd., 462 F.3d 48 (2d Cir. 2006), has already been rejected by this Court. Defendant has not pointed to any controlling decisions or data that the Court overlooked.¹ To the extent that Defendant relies on the ECF notice of September 26, 2006, terminating the motions, this was a clerical error that was corrected the following day.

III. Conclusion

For the reasons set forth above, Defendant’s motion for reconsideration is DENIED.

IT IS ~~SO~~ ORDERED

/ Sandra J. Federstein
United States District Judge

Dated: October / 6, 2006
Central Islip, New York

¹ The Court is aware that the Second Circuit recently granted a motion to stay the mandate in the Coke case.

Copies:

Karl J. Stoecker
Law Offices of Karl J. Stoecker
18 East 41st Street
15th floor
New York, NY 10017

Evan J Spelfogel
Epstein Becker & Green, P.C.
250 Park Avenue
New York, NY 10177-0077